

**Notification and Approval Procedures  
for  
Distance Education and Off-Campus Programs and Courses**

Public institutions shall adhere to the following procedures for notification and approval of distance education and off-campus programs and courses.

**1. Distance Education (Electronic) Delivery of Courses and Programs.**

(a) Following Board approval of an Institutional Plan (as required by Board Rules Section 5.155 of Chapter 5, Subchapter H), the governing board of the institution shall thereafter approve courses and programs offered via distance education, with the following conditions and exceptions:

(1) Each institution or system must have in place a process for the review and approval of distance education courses and programs for that entity.

(2) Before an institution initiates a program delivered by distance education, the President or chief academic officer of the institution shall affirm in writing to the Board that the program will be offered in accordance with the *Principles of Good Practice for Academic Degree and Certificate Programs and Credit Courses Offered Electronically*, as adopted by the Board, and the quality standards and criteria identified in Board guidelines.

(3) Courses offered by institutions of higher education via distance education shall be reported in accordance with provisions and schedules determined by the Commissioner and the Board's uniform reporting system if submitted for formula funding. They also shall adhere to the following criteria:

(A) Lower-division distance education courses may be delivered to groups by a public community/junior college outside its taxing district but in its service area, or anywhere in the state by public senior institutions, public technical colleges, or Lamar state colleges, following approval by the institution's governing board, without prior Board notification.

(B) Lower-division distance education courses delivered by a public community/junior college to groups outside its service area shall adhere to the Regional Council approval process described in Section 2 below.

(C) Upper-division and graduate courses offered by a senior institution may be delivered to groups in the state without geographic restriction, following approval by the institution's governing board, without prior Board notification.

(4) Baccalaureate and master's programs offered by a senior institution may be delivered without geographic restriction in the state, following approval by the institution's governing board, and Board notification.

(5) In the event of a dispute arising from electronic delivery of *lower-division*

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courses, any institution party to the disagreement may appeal first to the Regional Council, and then to the Commissioner and the Board. Any institution party to a disagreement arising from electronic delivery of upper-division or graduate courses may appeal first to the Commissioner and then to the Board.

(b) Internet and other distance education courses offered to individuals may be delivered in-state or out-of-state without prior governing board approval and without prior Board notification or approval. Programs offered over the Internet and by other distance education means require prior governing board approval and Board notification.

## **2. Off-Campus Program and Course Delivery Procedures**

(a) Procedures for Review and Approval of Off-Campus Lower-Division Instruction.

(1) Unless specifically exempted by the Board, all off-campus lower-division courses submitted for formula funding by senior institutions, public technical colleges, Lamar state colleges, or by public community/junior colleges outside their service areas shall be reviewed by the appropriate higher education Regional Council containing each proposed site for the receiving of instruction in accordance with the provisions of these procedures.

(2) A public community/junior college planning to offer off-campus courses and programs outside its taxing district but inside its service area shall notify all potentially affected Regional Councils prior to offering the course or program.

(3) All institutions offering off-campus lower-division instruction shall submit an annual Off-Campus Instruction Plan to the Board on a schedule to be determined by the Commissioner. An Off-Campus Instruction Plan is an institution's listing by location of off-campus lower-division courses and programs planned to be taught during an academic year. For public community/junior colleges, the Off-Campus Instruction Plan will contain both out-of-service area courses and programs which require Regional Council review and approval, as well as out-of-district-but-in-service-area courses and programs which merely require Regional Council notification.

(4) The Board recognizes Regional Councils in each of the ten Uniform State Service Regions. The presidents – or designated representatives – of each public and independent institution of higher education with its main campus in the Region comprise the Council membership. A Council Chair shall be elected by the members, with term of service to be determined by the respective Council.

(5) Each Regional Council has the following responsibilities:

(A) To develop and file with the Community and Technical College Division of the Board its procedures and guidelines for reviewing Off-Campus Instruction Plans for proposed lower-division classes, programs, and locations in the Region that require its approval.

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(B) To facilitate inter-institutional cooperation in the conduct of off-campus instruction, assure that each institution in the Region has received notification in advance of all off-campus lower-division courses and programs proposed to be offered in the Region by any other institution, and provide each institution in the Region full opportunity to review and comment on the plans of other institutions.

(C) To make recommendations to the Commissioner regarding Off-Campus Instruction Plans proposed to be offered within its Uniform State Service Region in accordance with the consensus views of Council members, except for courses and programs proposed to be offered by public community/junior colleges in their designated service areas.

(D) To advise the Commissioner on appropriate policies and procedures for effective state-level administration of off-campus lower-division instruction.

(E) To encourage excellence in the conduct of off-campus lower-division instruction.

(F) To study cooperatively the various methods of providing lower-division off-campus instruction, and promote the use of those methods which support quality and promise the most effective and efficient use of state resources.

(G) To hear and attempt to resolve any disputes involving electronic delivery of lower-division courses offered by senior institutions, public technical colleges, Lamar state colleges, or public community/junior colleges and, if necessary, to make recommendations to the Commissioner concerning these disputes.

(6) Procedures for submitting applications to the Board for authorization to offer off-campus lower-division courses are as follows:

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(A) Each Regional Council shall review Off-Campus Instruction Plans affecting the region proposed by all public institutions, other than public community/junior colleges offering courses within their designated service areas, and forward its recommendations for approval or disapproval to the Board.

(B) If proposed off-campus courses could affect an institution which is a member of another Regional Council, the Off-Campus Instruction Plan shall also be sent to that institution and to the Council to which it belongs. The full membership of that Council must review the proposal and return a recommendation for approval or disapproval to the originating Council. This recommendation and that of the originating Council must both be sent to the Commissioner.

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(C) The Commissioner shall devise a procedure to encourage and assist Regional Councils in the resolution of disputes between or among institutions.

(D) The Commissioner shall consider the recommendations of Regional Councils. Public and independent institutions which have concerns about possible unnecessary duplication of off-campus courses and programs planned for their Uniform State Service Region may appeal to the Commissioner. The Commissioner has the authority to approve or disapprove courses and Off-Campus Instruction Plans, and to resolve disputes between or among institutions which cannot be resolved by the Councils, including courses and programs offered by a public community/junior college within its service area but outside its taxing district. Institutions may appeal to the Board off-campus approvals and disapprovals made by the Commissioner.

(E) The Commissioner shall develop a time schedule for submission of Regional Council recommendations, for Commissioner review and response to all affected institutions on approvals and disapprovals of courses proposed under each Off-Campus Instruction Plan, for any needed dispute mediation procedures, and for Board appeal.

(7) After the regular annual period for approving off-campus and formula-funded workforce continuing education courses, the Commissioner may approve a limited number of additional courses for institutions if the courses have been reviewed by and are recommended for approval by the appropriate Regional Council(s).

#### (b) Procedures for Review and Approval of Off-Campus Upper-Division and Graduate Courses and Programs.

(1) Senior institutions shall notify all potentially affected public and independent institutions of their plans to offer off-campus upper-division or graduate courses or

programs for the next instructional period within the time frame prescribed by the Commissioner, and must seek to eliminate any conflicts or unnecessary duplication.

(2) The Commissioner has the authority to resolve disputes regarding the offering of off-campus courses or programs between institutions and has the authority to approve or disapprove such courses or programs.

(3) The Commissioner shall report to all affected institutions on approvals and disapprovals of proposed off-campus activities. The Board may hear appeals to approvals and disapprovals made by the Commissioner.

#### (c) Off-Campus Instruction Review Exemptions.

(1) The Commissioner may exempt from Regional Council or peer review procedures the following types of off-campus courses and programs:

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(A) Courses and programs offered by one public institution on the campus of another public institution; at multi-institution teaching centers and university system centers; and at other sites designated by the Board;

(B) Courses and programs taught on military bases or in correctional institutions;

(C) Courses offered as part of approved distance education certificates or degree programs for which the governing board has provided prior Board notification; and

(D) Courses pertaining to student teaching, internships, clinical instruction, practica, cooperative education work stations, and field classes (when limited to campus-based students).

(2) Instruction offered under all such exemptions shall be reported in accordance with the Board's uniform reporting system and will be subject to monitoring for quality.

### **3. Approval of State-Funded Off-Campus Out-of-State and Foreign Courses and Programs.**

(a) State-funded out-of-state and foreign off-campus courses offered by Texas public institutions of higher education, or by an approved consortium composed of Texas public institutions, shall be approved by the Commissioner in order for the semester credit hours or contact hours generated in those courses to be used for formula reimbursement.

(1) An institution or consortium must certify that the course meets the standards and criteria set forth in subsection (b) of this section.

(2) A course that has been previously approved for funding does not need to be reapproved if it has not been substantively changed.

(3) Faculty shall not teach off-campus courses outside the state for funding unless the faculty member is accompanying a cohort of students from a Texas institution.

(4) Institutions may enroll students who reside outside the state in off-campus courses provided the credit hours generated by the out-of-state students are not submitted for formula funding.

(b) State-funded out-of-state and foreign off-campus courses are subject to the following standards and criteria:

(1) All students enrolled must meet institutional standards for admission and must be admitted to the institution or to one of the participating institutions in an approved consortium. All students must pay the appropriate tuition and fees for their residency category for the total number of credit hours earned. Financial aid must be

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available to students on the same basis as students seeking financial aid for on-campus instruction. Additional financial aid may be furnished as appropriate.

(2) Instruction must be provided by faculty of the institution or one of the consortium institutions and be supervised and evaluated according to appropriate institutional policies. Exceptions may be made by the Commissioner to take advantage of uniquely qualified instructors at out-of-state or foreign locations if the institution provides justification and the exception is approved by faculty or institutional officials.

(3) Individual courses shall meet the following standards and criteria:

(A) Each course must be on the approved course inventory of the main campus of the institution or a consortium institution, must be part of an approved degree or certificate program, and must be justified in terms of academic, cultural, or other resources available at the specific location(s).

(B) Instruction must conform to all relevant academic policies of the institution. All courses must conform to the institution's workload and enrollment requirements, contact hour/credit ratio, and similar matters.

(C) Courses may not offer credit for activities undertaken primarily for travel, recreation, or pleasure.

(D) Minimum class enrollments must conform to the same standards applicable to on-campus classes.

(4) Multi-course offerings must meet the following standards and criteria:

(A) A group of courses taught by an individual faculty member and offered in the same time period and in the same out-of-state or foreign location may be considered an aggregate for approval purposes.

(B) The Commissioner may approve an aggregate so long as at least one-half of the courses comply with paragraph 3(A) of this subsection and all the courses comply with the other criteria in this section.

(5) Advertising or marketing for out-of-state and foreign courses shall emphasize the instructional nature of the courses and may not offer credit-for-travel experiences.

(6) Faculty and staff shall not receive unusual perquisites or unusual financial gain for teaching out-of-state or foreign courses.

(7) Except for funds specifically appropriated for international activities (e.g. state incentive programs, scholarships, etc.), state funds shall not be used for faculty or student travel, meals and lodging, or other incidental expenses associated with out-of-state or foreign instruction.

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(8) Any free tickets for travel, accommodations, or other expenses provided by travel agents, carriers, or hotels shall be used in direct support of the instructional program and shall not be given away.

(9) No state funding shall be provided for distance education courses or credits delivered to reception sites outside state boundaries without prior approval of the Commissioner.

(10) Out-of-state and foreign courses are subject to reporting in accordance with the Board's uniform reporting system. Out-of-state and foreign courses that are not reported by location will be disallowed for funding.

#### **4. Non-State-Funded Off-Campus Out-of-State and Foreign Courses and Programs.**

(a) Non-state-funded credit courses shall not be included in the Off-Campus Instruction Plan. Non-credit adult and continuing education courses offered at a distance by universities and health science centers are exempt from Subchapter H.

(b) Off-campus out-of-state and foreign courses offered by public universities and health-related institutions, for which no state funds are expended, may be taught without prior approval of the Board. However, full degree programs offered under these circumstances shall be approved in accordance with the provisions of Subchapter E, Section 5.101 of Board Rules and Regulations.

(c) Public community/junior and technical colleges proposing to offer off-campus out-of-state or foreign courses for which no state funds are expended are subject to the provisions of Chapter 9, Subchapter I of this title (relating to Distance Education).